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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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12 RAYMOND L. RIDGEWAY,

13 Plaintiff,

CIV. S-01-1351 FCD PAN PS

14 v.

15 VALLEY MEDIA, INC., et al.,

FINDINGS AND RECOMMENDATIONS

16 Defendants.
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18 On November 10, 2005, this court directed the parties to
19 file a stipulation for voluntary dismissal pursuant to Fed. R.
20 Civ. P. 41(a)(1)(ii), based on the September 26, 2005, status
21 report of defendant, Valley Media Inc., that it had settled all
22 claims with plaintiff pursuant to a stipulation approved by the
23 bankruptcy court. While plaintiff's action against Valley Media,
24 Inc., was stayed December 5, 2001, due to the latter's Chapter 11
25 bankruptcy filing, judgment was entered August 8, 2002,
26 dismissing plaintiff's claims against all other defendants.

1 Neither party has responded to the court's November 10,
2 2005, order.

3 Accordingly, good cause appearing, the court recommends
4 dismissal of this action against Valley Media, Inc., pursuant to
5 Fed. R. Civ. P. 41(b) (failure of plaintiff to prosecute or
6 comply with court order).

7 These findings and recommendations are submitted to the
8 Honorable Frank C. Damrell, Jr., the United States District Judge
9 assigned to this case. 28 U.S.C. § 636(b)(1). Written
10 objections may be filed within ten days after being served with
11 these findings and recommendations. The document should be
12 captioned "Objections to Magistrate Judge's Findings and
13 Recommendations." The failure to file objections within the
14 specified time may waive the right to appeal the District Court's
15 order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 Dated: January 23, 2006.

17 /s/ Peter A. Nowinski
18 PETER A. NOWINSKI
19 Magistrate Judge
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